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for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

JOHN GREENBERGER MACCABEE AND
SHERRY MORSE MACCABEE LIVING

Adv. Pro. No. 10-05407 (SMB)

TRUST;

JOHN GREENBERGER MACCABEE,
Individually and as Trustee of the John
Greenberger Maccabee and Sherry Morse
Maccabee Living Trust; and

SHERRY MORSE MACCABEE,
Individually and as Trustee of the John
Greenberger Maccabee and Sherry Morse
Maccabee Living Trust,

Defendants.

STIPULATION AND ORDER OF MEDIATION REFERRAL

WHEREAS, Irving H. Picard, Trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff (the “Trustee”), commenced this adversary proceeding (the “Action”) by filing a Complaint on December 10, 2010;

WHEREAS, Defendants John Greenberger Maccabee and Sherry Morse Maccabee Living Trust, John Greenberger Maccabee, and Sherry Morse Maccabee (“Defendants”) filed a motion to dismiss on April 17, 2014 (the “Motion to Dismiss”);

WHEREAS, the Trustee and Defendants (the “Parties”) previously stipulated to an extension of time for the Trustee to respond to the Motion to Dismiss and to file an amended complaint;

WHEREAS, pursuant to the Procedures Governing Mediation of Matters and the Use of Early Neutral Evaluation and Mediation/Voluntary Arbitration in Bankruptcy Cases and Adversary Proceedings (Local Rule 9019-1, Adopted by Order M-452 (General Order

Amending, and Restating M-143, M-211, and M-390)) the Parties have agreed to participate in mediation (the “Mediation”);

WHEREAS, the Parties have agreed to further extend the Trustee’s deadlines to respond to the Motion to Dismiss and to file an amended complaint pending conclusion of the Mediation; and

WHEREAS, the mediator’s fees and reasonable expenses shall be borne by the Trustee.

NOW THEREFORE, the Parties have stipulated and agreed to and the Court has **ORDERED** the following:

1. The Parties will participate in the Mediation in a good faith effort to finally and fully resolve the Action.

2. Within 21 calendar days after the filing of this Notice of Mediation Referral, the Parties shall choose a mediator in accordance with the Mediation Order. If the Parties are unable to agree on a mediator, the Court shall appoint one in accordance with the Mediation Order.

3. The Mediation will conclude within 120 days after the filing of this Notice of Mediation Referral. Nothing herein shall be construed to prohibit the Parties from further agreeing to extend this deadline for conclusion of the Mediation.

4. The Trustee’s deadlines to respond to the Motion to Dismiss and to file an amended complaint shall be adjourned pending the conclusion of the Mediation. If the Mediation does not result in a full and final resolution of all issues in the Action, within 30 days of the conclusion of the Mediation, the Parties shall agree to and file with the Court a

stipulation and order setting forth a deadline for the Trustee to file an amended complaint
and an appropriate briefing schedule for any motion filed under Fed. R. Civ. Pro. 12(b).

Dated: New York, New York
May 14, 2014

/s/ Donna A. Tobin
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SIPA Liquidation of Bernard L. Madoff
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Morse Maccabee Living Trust, John
Greenberger Maccabee, and Sherry
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SO ORDERED:

Dated: May 15th, 2014
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE